

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

FIG. 2 stands objected to.

Claims 1-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kobayashi (U.S. Patent No. 6,097,695).

Summary of the Response to the Office Action

A Submission of Replacement Drawing Sheets along with 13 replacement sheets of drawings are submitted herewith. Applicant has proposed to amend the specification, to cancel claims 2, 5 and 8 without prejudice or disclaimer, to amend claims 1, 4, 7 and 9-11, and to add new claims 14-25 by this Amendment. Upon entry of this paper, claims 1, 3, 4, 6, 7 and 9-25 would be pending, with claims 1, 3, 4, 6, 7, 9-11 and 14-25 being under consideration and claims 12-13 being directed to non-elected inventions.

Disposition of Claims

Applicant notes that the Final Office Action incorrectly states that only claims 1-11 are pending in the present application at Item 4 of the PTOL-326 Form attached to the Final Office Action, when before entry of this paper, claims 1-13 are pending and upon entry of this paper, claims 1, 3, 4, 6, 7 and 9-25 would be pending. ” Thus, the Examiner is respectfully requested to confirm the disposition of claims 12 and 13 in the next office communication.

Objection to the Drawings

The Final Office Action alleges that FIG. 2 should be designated by a legend such as -- Prior Art--. In the currently-filed Submission of Replacement Drawing Sheets, Applicant has

submitted replacement sheets of drawings proposing that the legend “Prior Art” be added to FIG. 2 and proposing new FIG. 13. Accordingly, the Examiner’s approval of the changes made and withdrawal of the objection to the drawings are respectfully requested.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kobayashi. Regarding claims 2, 5 and 8, Applicant respectfully requests withdrawal of the rejections of claims 2, 5 and 8 as the cancellation of claims 2, 5 and 8 renders the rejections moot. Regarding to claims 1, 3, 4, 6, 7 and 9-11, to the extent that this rejection might be applied to these recited claims, as newly-amended, it is respectfully traversed for at least the following reasons.

Applicant respectfully submits that Kobayashi does not anticipate claims 1, 3, 4, 6, 7 and 9-11 because Kobayashi does not disclose every feature set forth in these recited claims. For instance, it is respectfully submitted that Kobayashi fails to teach or suggest the claimed combinations as set forth in independent claims 1, 4, 7, 9, 10 and 11, as new-amended, including at least the “phase modulation signal having a substantially constant level in a predetermined period centered at each of phase transition points.”

The Final Office Action, at paragraph 1, line 15, asserts that FIG. 17D of Kobayashi shows that “abrupt changes at phase transition points are removed.” However, Kobayashi’s FIG. 17D and other portions of its disclosure do not discuss a phrase modulation signal having a substantially constant level in a predetermined period. Thus, Applicant respectfully submits that Kobayashi fails to teach or suggest the feature that the phase modulation signal has a constant level in a predetermined period centered at each of phase transition points, as set forth in Applicant’s claimed combinations.

M.P.E.P. § 2131 states “[t]o anticipate a claim, the reference must teach every element of the claim.” Applicant respectfully submits that since Kobayashi does not teach or suggest every feature of independent claims 1, 4, 7, 9, 10 and 11, as newly-amended, Kobayashi does not anticipate claims 1, 4, 7, 9, 10 and 11. Further, since claims 3, 6 and 8 depend from one of claims 1, 4 and 7, it is respectfully submitted that Kobayashi also does not anticipate claims 3, 6 and 8. Accordingly, withdrawal of the rejection of claims 1, 3, 4, 6, 7 and 9-11 under 35 U.S.C. §102(e) is respectfully requested.

New Claims 14-25

Applicant has added new claims 14-25 to further define the invention. Applicant respectfully submits that claims 14-19 are allowable at least because of their dependence from one of claims 1, 4, 7 and 9-11, and because of the features recited therein.

Further, Applicant respectfully submits that claims 20-25 are allowable at least because the applied reference fails to teach or suggest the feature as set forth in claims 20-25. For instance, it is respectfully submitted that the applied reference fails to teach or suggest the claimed combinations as set forth in claims 20, 21 and 24 including at least “low-pass filtering said phase modulation signal so that abrupt changes in the waveform thereof at phase transition points are removed.” In addition, it is respectfully submitted that the applied reference fails to teach or suggest the claimed combinations, as set forth in claims 22, 23 and 25 including at least the “phase modulation signal being low-pass filtered so that abrupt changes in the waveform thereof at phase transition points are removed.”

Accordingly, Applicant respectfully submits that claims 14-25 are allowable for at least the above-mentioned reasons.

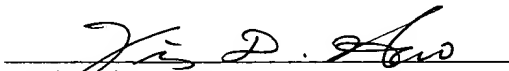
Conclusion

In view of the foregoing, Applicant respectfully requests the entry of this Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Applicant also respectfully requests the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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